

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

The proposed amendments require measurement of a child’s mental health functioning level with a standardized instrument when Medicaid remedial services are initiated and every six months thereafter. The remedial services provider would be required to submit the results of the testing as part of the request for prior authorization for continued remedial services.

Federal regulations for rehabilitation services specify that the services must demonstrate the child is making progress for the services to continue. The proposed amendments require the use of standardized measurement tools to make the evaluation of progress more uniform and to make the evaluation more effective at identifying the need for changes in strategies or interventions.

These amendments do not provide for waivers in specified situations. The clinician may choose the most appropriate standardized measurement tool, in cooperation with staff of the Iowa Plan for Behavioral Health, but standardized assessment will be required to meet federal requirements for demonstrating progress.

Any interested person may make written comments on the proposed amendments on or before November 10, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Amend subrule 78.12(3) as follows:

78.12(3) Coverage requirements. Medicaid covers remedial services only when the following conditions are met:

a. and *b.* No change.

c. For a member under the age of 21, the licensed practitioner of the healing arts:

(1) Has, in cooperation with the managed care contractor, selected a standardized assessment instrument appropriate for baseline measurement of the member’s current skill level in managing mental health needs;

(2) Has completed an initial formal assessment of the member using the instrument selected; and

(3) Completes a formal assessment using the same instrument every six months thereafter if continued services are ordered.

e.-d. The remedial services provider has prepared a written remedial services implementation plan that has been approved by:

(1) The member or the member’s parent or guardian; and

(2) The medical services unit of the Iowa Medicaid enterprise.

ITEM 2. Amend subrule 78.12(4) as follows:

78.12(4) Approval of plan. The remedial services provider shall submit the treatment plan, the results of the formal assessment, and the remedial services implementation plan to the Iowa Medicaid enterprise (IME) medical services unit for approval before providing the services.

- a. No change.
- b. *Subsequent plans.* The IME medical services unit may approve a subsequent remedial services implementation plan according to the conditions in paragraph “a” if the services are recommended by a licensed practitioner of the healing arts who has:
 - (1) Reexamined the member;
 - (2) Reviewed the original diagnosis and treatment plan; ~~and~~
 - (3) Evaluated the member’s progress-, including a formal assessment as required by 78.12(3) “c”(3); and
 - (4) Submitted the results of the formal assessment with the recommendation for continued services.
- c. No change.

ITEM 3. Amend rule ~~441—78.12(249A)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 249A.4 ~~and 2006 Iowa Acts, House File 2734, section 10, subsection 11.~~